

172. (Added) A method according to claim 137 wherein said composition of matter comprises a substantially layered perovskite crystal structure.

173. (Added) A method according to claim 138 wherein said composition of matter comprises substantially layered perovskite crystal structure.

174. (Added) A method according to claim 139 wherein said composition of matter comprises a substantially layered perovskite crystal structure.

175. (Added) A method according to claim 140 wherein said composition of matter comprises substantially layered perovskite crystal structure.

176. (Added) A method according to claim 141 wherein said transistor metal oxide comprises substantially layered perovskite crystal structure.

177. (Added) A method according to claim 142 wherein said copper oxide composition comprises substantially layered perovskite crystal structure.

#### **REMARKS**

Reconsideration is respectfully requested in view of and changes to the claims and the remarks herein. Please contact the undersigned to conduct a telephone

interview in accordance with MPEP 713.01 to resolve any remaining requirements and/or issues prior to sending another Office Action. Relevant portions of MPEP 713.01 are included on the signature page of this amendment. In view of the changes to the claims and the remarks herein, the Examiner is respectfully requested to reconsider the above-identified application. If the Examiner wishes to discuss the application further, or if additional information would be required, the undersigned will cooperate fully to assist in the prosecution of this application.

In paragraphs 6-7 on pages 12 -16 of the referenced office action Claims 86-87, 96-108, 115, 118, 120, 122, 123, 129-135 and 137-142 have been rejected under 35 USC 112. All changes suggested by the examiner have been made except for those directed to the terms "layer-like", "perovskite-like", "rare-earth-like", and "layer-type". These terms occur in claims 86-87, 96-108, 112, 113, 117, 118, 122, and 123. Added claims 143 to 163 have there same wording as these claims and include the changes suggested by the examiner to overcome the rejection based on these terms. As stated by applicants in previous responses these are terms of art and well understood by persons of skill in the art.

Claims 164-177 are added, support found throughout the specification and claims.

In paragraph 5 of the referenced office action claims 129-131, 134, 135, 139-142 added by applicants in there response dated April 27, 1998 have been rejected under 35 USC 112 as not enabled. Applicants respectfully disagree. The examiner has given no specific reason why these claims are not enabled.

Please charge any fee necessary to enter this paper to deposit account 09-0468.

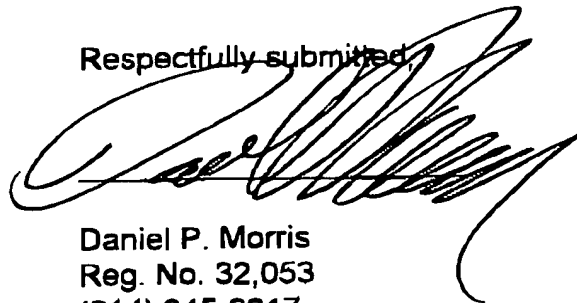
If the above-identified Examiner's Action is a final Action, and if the above-identified application will be abandoned without further action by applicants, applicants file a Notice of Appeal to the Board of Appeals and Interferences appealing the final rejection of the claims in the above-identified Examiner's Action. Please charge deposit account 09-0468 any fee necessary to enter such Notice of Appeal.

In the event that this amendment does not result in allowance of all such claims, the undersigned attorney respectfully requests a telephone interview at the Examiner's earliest convenience.

MPEP 713.01 states in part as follows:

Where the response to a first complete action includes a request for an interview or a telephone consultation to be initiated by the examiner, ... the examiner, as soon as he or she has considered the effect of the response, should grant such request if it appears that the interview or consultation would result in expediting the case to a final action.

Respectfully submitted,



Daniel P. Morris  
Reg. No. 32,053  
(914) 945-3217

IBM CORPORATION  
Intellectual Property Law Dept.  
P.O. Box 218  
Yorktown Heights, New York 10598